

REMARKS

Claims 1-6 and 8-20 are pending in the application. Claim 1 has been amended. Applicant reserves the right to pursue the original and other claims in this and other applications.

Claim 1 stands objected to for lack of clarity. Reconsideration is requested. Applicant has amended the claim as suggested by the Examiner. Accordingly, Applicant requests that the objection be withdrawn.

Claims 1-6 and 8-20 stand rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite because the structural relationship between various elements of the apparatus is allegedly unclear. This rejection is respectfully traversed.

Applicant submits that claim 1 has been amended to clarify the structural relationship between the different elements of the apparatus. Specifically, claim 1 now recites, *inter alia*, “an elastically stretchable and an unfoldable surface element that defines a separate interior space, the interior space being enclosed by an auxiliary body that hydraulically separates the enclosed interior space from the surface element, wherein an internal pressure can be applied to the enclosed interior space to expand said surface element and thereby said treatment electrode.” Thus, claim 1 is allowable. Claims 2-6 and 8-20 depend from claim 1 and are also allowable. Accordingly, Applicant requests that the rejection be withdrawn.

Claims 1-6 and 8-20 stand rejected under 35 U.S.C. § 112, ¶ 1 as failing to comply with the written description requirement because the structural relationship between various elements of the apparatus is allegedly not sufficiently described in the specification. This rejection is respectfully traversed. Applicant submits that claim 1 has been amended to clarify the structure relationship between the different elements of the apparatus as noted above with regard to the rejection under 35 U.S.C. § 112, ¶ 2. Thus, claim 1 is allowable. Claims 2-6 and 8-20 depend from claim 1 and are also allowable. Accordingly, Applicant requests that the rejection be withdrawn.

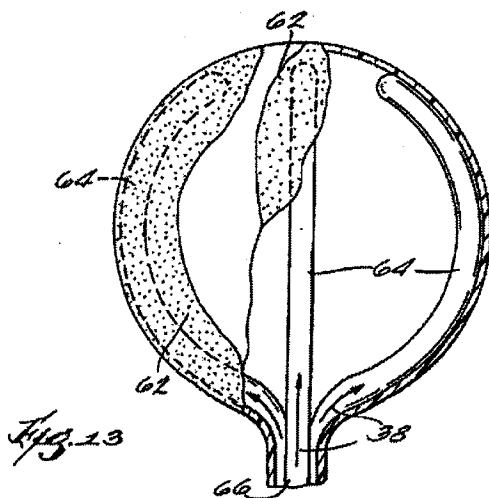
Claims 1, 6, 8-13, 15 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,797,903 to Swanson, et al. ("Swanson"). This rejection is respectfully traversed.

Independent claim 1 defines an apparatus for the interstitial coagulation of tissue and recites "a first three-dimensional treatment electrode ... comprising one of an elastically stretchable and an unfoldable surface element that defines a separate interior space, the interior space being enclosed by an auxiliary body that hydraulically separates the enclosed interior space from the surface element, wherein an internal pressure can be applied to the enclosed interior space to expand said surface element and thereby said treatment electrode; and a liquid-supply through which an electrically conductive liquid can be delivered to the surface element, wherein the surface element is configured to receive electrically conductive liquid from the liquid-supply."

Applicant respectfully asserts that the Office Action misinterprets the meaning of the hydraulically separate interior space defined in the claim. Specifically, the invention, as claimed in claim 1, includes an interior space that is enclosed such that liquid or other substances cannot flow through the hydraulic barrier to the surface element.

Swanson does not disclose such limitations. Swanson only discloses a tissue ablation system with an "expandable-collapsible body 22 ... that can be altered between a collapsed geometry (FIG. 3) and an enlarged, or expanded geometry (FIG. 2)." (Swanson, col. 5, lns. 10-20; FIGs. 2-3). Swanson positions its electrode 30 within body 22, which is made of non-conductive thermoplastic or elastomeric material, supplies electrically conductive fluid to the body and the electrically conductive fluid establishes a conductive path to the tissue. Pores 44 in the body 22 enable the electrically conductive liquid to flow from the area within the body to the tissue. Swanson further discloses that "when the porous region comprises segmented zones 62 on the body 22, an interior group of sealed bladders 64 (see FIG. 13 [reproduced on the next page]) can be used to individually convey liquid 38 to each porous region segment 62." (Swanson, col. 18, lns. 44-47; FIG. 13). The Office Action submits that the sealed bladders 64 of Swanson are the claimed auxiliary body. (Office Action, page 5-6). Claim 1 recites that an "interior space [is] enclosed by

an auxiliary body that hydraulically separates the enclosed interior space from the surface element.” In contrast, the sealed bladders 64 of Swanson enclose part of the interior space defined by the body 22 and use the enclosed interior space to “convey liquid 38 to each porous region segment 62” of the body 22. (Swanson, col. 18, lns. 46-47; FIG. 13).



As Swanson does not disclose each and every limitation of claim 1, Swanson does not anticipate claim 1. Claims 6, 8-13 and 15-16 depend from claim 1 and are allowable for at least the same reasons. Accordingly, the rejection should be withdrawn and the claims allowed.

Claims 2-4 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Swanson. This rejection is respectfully traversed. Claims 2-4 and 17 depend from claim 1, and are allowable for at least the same reasons discussed above with respect to claim 1. Accordingly, the rejection should be withdrawn and the claims allowed.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Swanson in further view of U.S. Patent No. 5,545,195 to Lennox. This rejection is respectfully traversed. Claim 5 depends from claim 1, which is allowable over Swanson for at least the same reasons discussed above. Lennox, which is cited as teaching a measurement device, does not cure the

deficiencies of Swanson. Accordingly, claim 5 is allowable over the cited combination and Applicant respectfully requests that the rejection be withdrawn and the claim allowed.

Claim 14 stands rejected under 35 U.S.C. § 103(c) as being unpatentably over Swanson in view of U.S. Patent No. 6,837,885 to Koblish, et al. (“Koblish”). This rejection is respectfully traversed. Claim 14 depends from claim 1, which is allowable over Swanson for at least the same reasons discussed above. Koblish, which is cited as teaching a suction device, does not cure the deficiencies of Swanson. Accordingly, claim 5 is allowable over the cited combination and Applicant respectfully requests that the rejection be withdrawn and the claim allowed.

Claim 1 stands rejected under 35 U.S.C. § 103(c) as being unpatentable over U.S. Patent Publication 2003/0130572 to Phan et al. (“Phan”) in view of Swanson. This rejection is respectfully traversed.

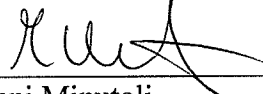
The Office Action states that Phan “fails to disclose the specific structure of the balloon as claimed,” and relies on Swanson to disclose the structure of the balloon. (Office Action, page 12). As discussed above, Swanson fails to disclose an “interior space being enclosed by an auxiliary body that hydraulically separates the enclosed interior space from the surface element,” as recited by claim 1. Thus, the combination of Phan and Swanson fails to teach or suggest all of the limitations of claim 1. Accordingly, the rejection should be withdrawn and the claim allowed.

Claims 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phan in view of Swanson and in further view of U.S. Patent No. 5,823,189 to Kordis. This rejection is respectfully traversed. Claims 18-20 depend from claim 1 and are allowable over Phan and Swanson for at least the same reasons discussed above with respect to claim 1. Kordis, which is cited for expanding an electrode to various states by one of a continuous or stepwise expansion, does not cure the deficiencies of Phan and Swanson. Accordingly, claims 18-20 are allowable over the cited combination and Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Favorable action on the merits is earnestly solicited.

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